

REMARKSThe Office Action

Claims 20-39 and 41 are pending. Claims 20, 21, 39, and 41 stand rejected for anticipation by Ansimov et al. (RU 2066350 C1 (abstract); hereafter "Ansimov").

Claims 22-38 stand rejected for obviousness over Ansimov.

Support for the Amendments

The amendment to claims 20 and 39 is supported by the specification on page 3, lines 14-21.

Rejections under 35 U.S.C. § 102

Claims 20, 21, 39, and 41 remain rejected for anticipation by Ansimov. This rejection is traversed. As stated in M.P.E.P. § 2131.01, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (citations omitted; emphasis added).

Amended claim 20, from which claims 21 and 41 depend, recites:

20. A method for alcoholic fermentation, said method comprising employing in said fermentation at least two, different microorganisms:

- 1) a fermentation micro-organism; and
- 2) at least one mineral-rich or mineral-enriched yeast; wherein said mineral-rich or mineral-enriched yeast provides a nutrient source towards said fermentation. (emphasis added)

Claim 39 recites:

39. A fermentation composition comprising at least two, different microorganisms: (1) a fermentation micro-organism and (2) at least one mineral-rich or mineral-enriched yeast, wherein said mineral is a divalent metal, which is provided by the yeast to the fermentation micro-organism in an effective amount for alcoholic fermentation. (emphasis added)

A telephone conference with the previous Examiner confirmed that the present rejection was maintained based on the assumption by the Office that the fermentation micro-organism and the mineral-rich or mineral-enriched yeast can be the same organism. Although the plain language of unamended claims 20 and 39 required at least two, distinct organisms, claims 20 and 39 have been amended to emphasize this point. Applicant again emphasizes that the scope of claim 20 or 39 has not been changed by the present amendment. The present amendment has been resubmitted to eliminate any possibility of the Office interpreting the claims to require only a single organism.

As Ansimov does not teach or suggest two, distinct microorganisms, of any kind or in any context, it cannot anticipate the instant claims. Furthermore, as the amendment dispenses with the rejection, it is unnecessary to address the Office's further assertions concerning the inherent teachings of Ansimov, with which Applicant disagrees. The § 102 rejection should be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claims 22-38, which depend from claim 20, stand rejected for obviousness over Ansimov. In order to establish a *prima facie* case of obviousness, the prior art references, alone or in combination, must teach or suggest all of the claim limitations (M.P.E.P. § 2143.03). As stated above, Ansimov fails to teach all of the limitations of independent

claim 20. Thus, Anismov necessarily fails to teach the limitations of the dependent claims, and the rejection for obviousness should be withdrawn as well.

CONCLUSIONS

Applicant submits that the claims are in condition for allowance, and such action is respectfully requested. If there are any additional charges, or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

July 21, 2005

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